

**MINUTES OF REGULAR MEETING - RIVERBOAT
OPEN SESSION
April 23, 2015
ILLINOIS GAMING BOARD
CHICAGO, ILLINOIS**

NOTE: ITEMS IN **BOLDFACE PRINT** REFLECT OFFICIAL BOARD ACTIONS

On Thursday, April 23, 2015 a Regular Meeting - Riverboat of the Illinois Gaming Board ("Board") was held on the 5th floor at 160 N. LaSalle at the Michael J. Bilandic Building, Chicago, Illinois at 9:06 A.M. Present were the following: Chairman Don Tracy, Members Lee Gould and Hector Alejandro. Member Thomas Dunn participated via telephone.

Member Gould moved **that the Board approve the open session minutes from the Illinois Gaming Board Regular Meeting held on March 26, 2015.** Member Alejandro seconded the motion. The Board approved the motion unanimously by roll call vote.

BOARD POLICY ITEM:

Legislative Liaison Caleb Melamed addressed the Board.

Section 5 (c) (3) of the Riverboat Gambling Act [230 ILCS 10] confers rulemaking authority upon the Illinois Gaming Board (IGB") regarding riverboat gambling. The IGB's legal staff proposes the following amendments relating to meeting procedures contained in Riverboat Gambling Rule 105 [86 Ill. Admin. Code 3000.105]. The new rule language conforms to applicable provisions of the Open Meetings Act.

Counting members toward a quorum

Section 2.01 of the Open Meetings Act [5 ILCS 120/2.01] allows a member of a public body to be counted as part of a quorum, even if not physically present, if:

- 1) The member participates by interactive videoconference from a public building (which may include one of the public body's offices), and
- 2) The public body provides public notice and public access for all locations at which its members will be present.

The proposed rulemaking incorporates these statutory provisions.

Participation of Board members in excess of a quorum by video or audio conference

Section 7 of the Open Meetings Act [5 ILCS 120/2.06] provides that when a quorum of members of a body is physically present, additional members of the body may participate by video or audio conferencing if they are "prevented from physically attending because of: (i)

personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) family or other emergency.” Such absentee participation is possible only in accordance with, and to the extent allowed by, the rules of the body. The proposed rulemaking authorizes attendance of IGB members by audio or video conferencing, duplicating the statutory language on this subject.

Duration of Public Comments

Section 2.06 (g) of the Open Meetings Act [5 ILCS 120/2.06 (g)] provides that “[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.” The proposed rule language establishes that the comments by each member of the public shall be limited to a reasonable period of time not to exceed five minutes, unless the Board gives permission for a longer presentation.

Notice Requirement for Public Comments

In Public Access Opinion 14-012, the Illinois Attorney General invalidated, as too restrictive, a rule of the McClean County Board requiring public commenters to give 5 business days’ notice, with the county board allowed to waive this 5-day requirement by majority vote. The Attorney General held that Section 2.06 of the Open Meetings Act [5 ILCS 120/2.06] “gives members of the public a right to address a public body, subject to the significant government interests of conserving time, ensuring that others have the opportunity to speak, and preserving decorum.” The Attorney General did not specify, however, what would be a sufficiently short notice requirement for public commenters.

Currently, the IGB requests 5 days’ notice from members of the public who wish to address the Board. Under the holding of Public Access Opinion 14-012, this is probably too long a time. Accordingly, it is proposed to shorten the required notice period to 2 days, subject to the Board’s diminishment or waiver of the notice requirement.

The IGB’s meeting agendas are published about 72 hours before open meetings. The shortened notice period thus will give public commenters the ability to learn the contents of a forthcoming meeting agenda before the deadline for requesting public comment has expired.

Recording of meetings

Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05] allows the recording of the proceedings at IGB meetings by tape, film, or other means, and directs that “the authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings.” The proposed rulemaking allows any person to photograph, tape, film, or otherwise record the open portion of Board meetings, provided that persons may be required to locate their cameras or other recording devices at a sufficient distance from the Board members to avoid interference with the Board’s discussion.

Cross-reference to video gaming rules

Riverboat Gambling Rule 105 currently contains no reference to video gaming. The proposed rulemaking adds such a reference, thus clarifying that the provisions of this rule equally cover the video gaming portion of open Board meetings. Separately, the video gaming rules will be amended to add a reference to Riverboat Gambling Rule 105.

- **Proposed Changes to Board Rule 3000.105:**
Based on Staff's investigation, Member Alejandre moved **to add a new section to Board Rule 3000.105 in order to conform to certain provisions of the Open Meetings Act by authorizing staff to submit a proposal for First Notice Filing with the Secretary of State upon final review and approval by the Administrator.** Member Gould seconded the motion. The Board approved the motion unanimously by roll call vote.

PUBLIC COMMENTARY:

Mr. Tom Swoik, Executive Director of the Illinois Casino Gaming Association addressed the Board and introduced a representative of Bensinger DuPont who advised the Board of problem gambling assistance programs.

OWNER LICENSEE ITEMS:

- **Boyd Gaming Corporation:**
Based on Staff's investigation, Member Gould moved **to approve Boyd Gaming Corporation's request for Board approval of Par-A-Dice Casino as a Subsidiary Guarantor of Boyd's Senior Unsecured Notes in an aggregate amount not to exceed \$850 million.** Member Alejandre seconded the motion. The Board approved the motion unanimously by roll call vote.
- **Par-A-Dice Casino & Hotel – William Stage – Key Person**
Based on Staff's investigation, Member Alejandre moved **to approve William Stage as a Key Person of Par-A-Dice Casino and Hotel in his position as Internal Audit Director at Boyd Gaming Corporation.** Member Gould seconded the motion. The Board approved the motion unanimously by roll call vote.

OCCUPATIONAL LICENSEE ITEMS:

- **Approvals & Denials:**
Based on Staff's investigation, Member Gould moved **to find suitable and approve 58 Level 2 occupational licenses and 135 Level 3 occupational licenses.** Member Alejandre seconded the motion. The Board approved the motion unanimously by roll call vote.
- **Melissa Velarde:**
Based on Staff's investigation, Member Alejandre moved **to rescind the March 26, 2015 denial of the occupational license of Melissa Velarde and move to issue her**

an occupational license effective April 23, 2015. Member Gould seconded the motion. The Board approved the motion unanimously by roll call vote.

REQUESTS FOR HEARING & REQUESTS TO REAPPLY:

Based on Staff's investigation, Member Gould moved **to deny the request for hearing from Terry Linton as he has failed to establish a prima facie case, deny the request for hearing from Melissa Velarde as moot, and grant the request to reapply from Betty Alm.** Member Alejandre seconded the motion. The Board approved the motion unanimously by roll call vote.

COMPLAINTS & DISCIPLINARY ACTIONS:

- Constanta Radu:
Based on staff's investigation, Member Alejandre moved **to issue a Disciplinary Complaint to revoke the occupational license of Constanta Radu due to her unauthorized taking of a patron's lost \$500 chip, said action to take effect 21 days from the date of service of the Complaint unless the licensee files an Answer within that time frame.** Member Gould seconded the motion. The Board approved the motion unanimously by roll call vote.

At 9:27 A.M. Member Gould motioned to adjourn and Member Alejandre seconded the motion. All Members voted in favor of adjournment.

Respectfully submitted,
Mary C. Boruta
Secretary to the Administrator